REMARKS

Claims 59-95 are pending. Claims 1-58 are cancelled. Claims 91-95 are withdrawn upon entry of the election of Group I (claims 59-90 drawn to a granule bait). Claims 59-90 stand rejected.

With the present Amendment and Reply, Applicants amend claims 61, 62, and 73 to replace the trademark, Bitrex, with "denatonium benzoate." Claims 65 and 73 are amended to replace the trademark, Hansa Brillant Yellow 4GX, with "a yellow dispersion dye." Claims 67, 71, and 73 are amended to replace the trademark, Glucidex, to recite that the structure-stabilizer comprises malodextrins and dehydrated glucose syrups. Claims 69 and 73 are amended to replace the trademark, Agrimer, with "a non-ionogenic dispersant or detergent."

Applicants also amend claim 59 to recite that the one or more insect controlling agents are nitro-enamines. Dependent claims 64, 67, 69, 74, and 78 are amended to recite that the one or more insect controlling agents are imidacloprid, thiametoxam, or a combination thereof.

Support for the amendments may be found throughout the specification as filed. No new matter is presented.

Applicants respectfully request reconsideration upon entry of the present amendment..

Restriction

The Examiner contends that the present application contains two groups of inventions not so linked as to form a single general inventive concept under PCT Rule 13.1. Thus, the Examiner has required election of one of the following groups:

Group I – claims 59-90 drawn to a granule bait; and

Group II – claims 91-95 drawn to a process for preparing a granulate bait for control of house flies.

Applicants hereby confirm the election of Group I (claims 59-90 drawn to a granule bait) made by Todd Sladek via the voicemail message of March 19, 2010.

Specification

The Examiner contends that the title of the present application ("Organic Compounds") is not descriptive in that the title lacks any specificity in relation to the claimed invention. Applicants amend the title of the invention to "Granule Baits" as set forth on page 2 of this paper. Support for the amendment exists throughout eh specification as filed. No new matter is presented.

Rejection of Claims 61, 62, 65, 67, 69, 71, and 73 Under 35 U.S.C. §1112, Second Paragraph

Claims 61, 62, 65, 67, 69, 71, and 73 stand rejected under 35 U.S.C. §112, second paragraph as failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner contends that the claim scope is uncertain due to the inclusion of trademarks which cannot be used to identify any particular material or product.

With the present Amendment and Reply, Applicants amend claims 61, 62, 65, 67, 69, 71, and 73 to replace each trademark with a description of the particular material or product as described above. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 30-32 Under 35 U.S.C. §102(b)

Claims 59, 63, 66, 77, 79, 80, 82, 84, 89, and 90 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kamei et al. (U.S. Patent No. 4,855,133). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully traverse the rejection on the grounds that Kamei et al. do not disclose a granule bait for the control of house flies that comprises one or more insect nitro-enamine controlling agents.

Kamei et al. disclose fly attracting compositions that include a sex pheromone, a yellowish red pigment, and an insecticide. Kamei et al. disclose that the insecticide is a pyrethroid, organic phosphorus, or carbamate, such as methomyl. Kamei et al. do not disclose a granule bait that that comprises one or more nitro-enamine insect controlling agents. Thus, Kamei et al. do not anticipate claims 59, 63, 66, 77, 79, 80, 82, 84, 89, and 90 because Kamei et al. fail to disclose each and every element as set forth in the currently amended independent claim 59. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 30-32 Under 35 U.S.C.§103(a)

Claims 59-90 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamei et al. (U.S. Patent No. 4,855,133) in view Henderson et al., Schnuch et al., EPA Pesticide Inert Ingredients (2002), Symecko et al, Miura et al., and Wu. The Examiner contends that the claimed invention, as a whole, would have been *prima facie* obvious to one of ordinary skill in

the art at the time the invention was made because allegedly each and every element of the invention has been collectively taught by the combined teachings of the references.

Section 103 of 35 U.S.C. forbids issuance of a patent when the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. See *KSR Intl Co. v. Teleflex Inc.,* 127 S.Ct. 1727, 1734, 82 USPQ2d 1385, 1391 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) any objective indicia of non-obviousness. See *Graham v. John Deere Co.,* 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966); *See also KSR,* 127 S.Ct. at 1734, 82 USPQ2d at 1391.

A *prima facie* case of obviousness has not been established in the current case because the cited references do not teach or suggest the instantly claimed granule bait. Even if combined, none of the cited references disclose a granule bait for the control of house flies that includes each of the claimed components in combination. Each of Kamei et al., Henderson et al., Schnuch et al., EPA Pesticide Inert Ingredients (2002), Symecko et al, and Wu fail to disclose the use of nitro-enamine insect controlling agents, such as thiametoxam, in a granule bait as instantly claimed.

Miura et al. fail to cure the deficiencies of the aforementioned references. Miura et al. disclose a method and composition for controlling flies that live in or come flying to livestock pens. While Miura et al. disclose the use of compounds or salts that have an affinity for a nicotinic acetylcholine receptor, including thiametoxam, the cited references, including Miura et al., disclose the use of solid carriers such as clay, diatomaceous earth, silica, or clay which tend to be hydrophilic or hygroscopic thereby causing the formation of lumps in the package containers, once opened, and chemical degradation which reduces the composition's useful life. The instantly claimed granule baits overcome this challenge via a composition that is essentially water-free but hydrophobic enough to endure a long shelf life. The instantly claimed granule bait exhibits a strong luring effect on house flies with a long-lasting efficacy due to the hydrophobicity of the chemical composition. Each of these attractive aspects is exhibited in a granule size that makes the granule easily removable and clearly visible to the user. Thus, the combination of references fails to teach or even suggest the instantly claimed granule bait for the control of house flies.

Moreover, in view of the aforementioned advantages and advancements in the art, one of ordinary skill in the art would not have been motivated by the numerous disclosures cited by the Examiner to arrive at a granule bait that combines one or more nitro-enamine insect controlling agents in a composition that includes one or more lures, one or more foods, and one or more filling materials with a granulate size of between about 1 mm and about 5 mm. Therefore, a *prima facie* case has not been established. To the contrary, only through improper hindsight could one pick and choose within and among the various cited references to arrive at the presently claimed invention.

Applicants respectfully request withdrawal of the rejection of claims 59-90 and allowance of the same.

CONCLUSION

The claims are believed in condition for allowance and Applicants respectfully request such action. The Examiner is invited to contact Applicants' undersigned representative with any questions or comments for expeditious handling.

Respectfully submitted,

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